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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,934	10/29/2001	Eduard K. de Jong	P-7007	1043
24209	7590	04/20/2006	EXAMINER	
GUNNISON MCKAY & HODGSON, LLP			HOMAYOUNMEHR, FARID	
1900 GARDEN ROAD			ART UNIT	PAPER NUMBER
SUITE 220				
MONTEREY, CA 93940			2132	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/014,934	DE JONG ET AL.	
	Examiner	Art Unit	
	Farid Homayounmehr	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 2/16/2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-25 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

1. This action is responsive to communications: application, filed 10/29/2001; amendment filed 2/16/2006.
2. Claims 1-25 are pending in the case. Claims 1-24 were amended.

Response to Arguments

3. Applicant's arguments filed 2/16/2006 have been fully considered but are not persuasive:
 - 3.1. With regards to claim 1, applicant argues that Gabber (European Patent Publication No. 855659 A1, named as prior art in the first office action) fails to disclose "requesting a user data from a user-controlled secure storage device". However, Gabber teaches a Central Proxy System a (item 110a) which requests user data from a user site (item 105a), as described in column 9 line 50 column 10 line 15. Note that according to column 12 line 34, the item 105a stores user data.

Applicant further argues that "Entering data in the browser interface" teaches away from such request. It is unclear how the applicant determines that Entering data in browser

interface teaches away from such request. The interface prompts the user to enter data. This clearly implies that a request for data must have been made to user device.

Applicant further argues that the rejection failed to cite any teaching of "said requesting occurring prior to requesting said user data from another device." However, in Gabber's Central Proxy System requests user data from the user site only. Therefore, this request must be prior to any other request to another device.

Therefore, Gabber meets both requirements of request from a user controlled secure storage device and the timing requirements.

3.2. As per claim 2, applicant argues that there is no teaching in the section of central proxy receiving a request for the user data. Applicant also argues that the data is forwarded and not returned. However, column 18 lines 40 to 50 clearly indicate that the central proxy server automatically and without user intervention transmits the requested user data to the server. This implies that the request for data must be received by the Central Proxy System. It also indicates that the data is returned to the server and not just forwarded.

Finally, the applicant argues that the three requirements that must be met before returning data is not taught:

1- "if said user data is found". This requirement is implicit in Gabber. If the data is not found, it cannot be transmitted. Therefore, when the Central Proxy transmits the data, it must have founded the data.

2- "if said returning user data for said request is enabled" Column 9 line 12 to 15 indicates that the proxy will transmit the data only if it is the user's choice to have the proxy send the data. This clearly meets the requirement of "said request is enabled".

3- "if said user data comprises static user data". Column 4 line 39 to 45 teaches that the Proxy server is a communication conduit that may remove or substitute some portion of messages. Furthermore, column 4 line 4 to 21 clearly indicates that the objective of Gabber's method is to protect user privacy and identity. Therefore, only data that has the potential to reveal user secrets are re-configured. The other data, such as details of a product that the user is ordering is not modified, and simply transmitted to the server. Therefore, Gabber reconfigures some data to protect user privacy (dynamic data) and transmit other data that won't jeopardize user privacy (static data). Therefore, Gabber modifies user data based on certain conditions.

Applicant also argues that since the proxy performs interactions, this teaches away from operation being performed by a user device. However, as described in column 9 line 8 to 23, the user provides the secrets and is in control to choose the proxies and their operation. Therefore, the proxies are user-controlled secure devices.

3.3. As per claim 3, applicant argues that Gabber teaches or suggests nothing about a server determining the particular type of data, static or dynamic, and then taking action based on the determination. However, Gabber does determine if the data is dynamic or static and take action accordingly. Per applicant's paragraph 245 to 248, data is put into aggregation based on prior user activity with a certain site. According to paragraph 251, aggregation is privacy protecting. Therefore, applicant's aggregation of user data to dynamic and static data is based on prior history of activity of user with servers, with the intention of protecting privacy. As pointed out in the first action, per Gabber paragraph 1 to 19, proxy systems provide substitution identifier (modified or reconstructed dynamic data) to server sites. This allows users to browse the network, anonymously. Another example of Gabber modifying a dynamic data is column 15 line 10 to 38, where the user email address (dynamic data) is modified by proxy server to protect user privacy. Therefore, Gabber teaches the same invention with the same level details as in claim 3.

3.4. As per claims 4, 5, and 6, applicant argues that the rejection is not well founded. Examiner respectfully disagrees with such assessment. The rationale behind rejection of claims 4, 5, and 6 is based on similarity of those claims with claims 1 to 3, with the only difference being the use of "cookies" in claims 4 to 6 instead of "user data" in claims 1 to 3. As per applicant's paragraph 4 and also paragraph 214, cookies contain user data saved by a server at the user site. This is also taught by Gabber in column 18 line 1 to 23. Gabber protects user data captured in cookies the same way as it protects

general user data. Therefore, all operations performed by Gabber's method to user data are also applicable to cookies. Therefore, Gabber discloses claims 4 to 6 in completely and with identical level of details.

Applicant argues that combining a cookie, which the user does not control, with entry of data by a user is a modification of Gabber. It is unclear why the applicant discusses combining a cookie with entry of data by a user. As mentioned before, cookies are user data save by a server on user device. The user data, whether entered by the user or obtained otherwise, is saved in cookies if the web server desires to access the data in future sessions. It is the user data that Gabber transmits or modifies (for privacy protection) to the server. Therefore, Gabber discloses protection of user data as described in claims 1 to 3 and protection of Coolies as disclosed in claims 3 to 6.

3.5. As per claims 7 and 13, 8 and 14, 9 and 15, 10 and 16, 11 and 17, 12 and 18, applicant argues similar to above discussions as those claims each include limitations similar to claims 1, 2, 3, 4, 5, and 6. However, as described in sections 3.1 to 3.4 above, all applicant's arguments are moot, and therefore, all the mentioned claims remain rejected.

3.6. As per claims 19, 21, 22, and 24, applicant argues that meeting the claim requirements requires the modification of Gabber. However, as indicated in sections 3.7 to 3.10 of the first office action, all claim limitations are completely taught by Gabber

without any need for modification. Another basis of applicant's argument is the argument against rejection of claims 1, 3, 4, and 6. As applicant's arguments against rejection of claims 1, 3, 4 and 6 are moot (sections 3.1 to 3.4 above), all mentioned claims remain rejected.

3.7. As per claims 20 and 23, applicant's argument against claim rejections is based on applicant's arguments against rejections of claims 2, 4 and 5. However, as discussed in sections 3.1 to 3.4 above, applicant's arguments is moot, and therefore, claims 20 and 23 remain rejected.

3.8. As per claim 25, applicant argues that "a substitute identifier in Gabber is not obtained in response to enrolling for a service on said communications network". The applicant argues that Gabber teaches away from the invention because Gabber taught substitute identifier was obtained before enrolling for a service so that the substitute identifier could be used to enroll the service. However, Gabber does not teach away from the claimed invention and in fact teaches exactly the claim limitations. The randomized ID is obtained to protect user identity when enrolling for a network service (column 10 line 30 to 55). Therefore, it is obtained only when the user is enrolled for a service. Therefore, it is obtained in response to enrolling for a service on said data communication network. It is unclear how the applicant determines that Gabber issues the randomized ID before enrolling to the service. However, even if that were the case, the randomized ID is still obtained in response to enrollment in a service, as it is created

for the purpose and as a direct result of enrolment to the service. Therefore, Gabber teaches the limitations of claim 25.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 to 19, 21, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gabber (European Patent Publication No. 855659 A1, published July 29, 1998).

3.1. As per claim 1, Gabber is directed to a method for browsing a data communication network (column 6 line 1 to 19), the method comprising:
requesting user data (Fig. 2 and 3 and column 9 line 50 to column 10 line 15, also mentioned in column 12 line 45 to 48) from a user controlled secured storage device (which may be the user device itself, or the peripheral proxy server as described in column 1 line 15 to 15 and also in column 12 line 31 to 33. Also note that the user device stores user data as indicated in column 12 line 31 to 35) if a network site that requires user data is accessed (column 14 line 9 to

16) said requesting occurring prior to requesting said user data from another device; and sending said user data to a network server associated with said network site if said user data is received from the said user controlled secure storage device (column 14 line 9 to 16).

3.2. As per claim 2, Gabber is directed to a method for browsing a data communication network (column 6 line 1 to 19), the method comprising:

receiving, by a user-controlled secure device (the proxy server is secured and is user-controlled as the user controls which proxy perform data modification (see column 9 line 12 to 15)), a request for user data (column 13 line 34 to 35) ; returning said user data by a user-controlled secured device if said user data is found stored on said user-controlled secure device and if returning said user data for said request is enabled and if said user data comprise static user data (static data is user data that requires no modification since it does not reveal user identity. As per column 13 line 35 to 41, the user original request is forwarded to the server with no modification); reconfiguring said user data if said user data is found and if returning user data for said request is enabled and if said user data comprises dynamic user data (dynamic user data is the data that must be modified to protect user identity. As per column 13 line 50 to column 14 line 5, user name is reconfigured before sending to server); and returning said configured user data by said user-controlled secure device (column 14 line 6 to 16).

3.3. As per claim 3, Gabber is directed to a method for servicing data communication network (column 6 line 1 to 19), information units, the method comprising:

receiving user data associated with a network site by a server (which is the function of a proxy or a web server, exemplified in Fig. 1, 2, 5 and 6 item 110g and mentioned in column 6 line 16 as server sites); determining by said server whether said user data comprises static user data or said data comprises dynamic user data (the proxy sends static user data with no change as described in column 13 line 38, and modifies dynamic user data as described in column 13 line 57 to column 14 line 5) using by said server said user data if said determining finds said user data comprises static user data; and reconstructing by said server said user data before using data if said determining finds said user data comprises said dynamic user data (column 8 line 15 to 50 describes transmission of user data, such as alias user names, passwords, email addresses, postal addresses, credit card numbers to a web server. The proxy determines whether data is dynamic or static itself, as it modifies the dynamic data and uses static data with no modification).

3.4. Claims 4, 5, and 6 are disclosed by Gabber, as they are substantially the same as claims 1, 2, and 3 above, with the distinction of using Cookies to transfer user data. Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

3.5. Claims 7 to 12 are disclosed by Gabber, as they are substantially the same as claims 1 to 6 above, with the distinction of disclosing a program storage device readable by a machine, embodying a program of instructions executable by the machine to perform the method of browsing, which is disclosed in column 19.

3.6. Claims 13 to 18 are disclosed by Gabber, as they are substantially the same as claims 1 to 6 above, with the distinction of disclosing an apparatus to perform the browsing, which is disclosed in column 19.

3.7. Claim 19 is disclosed by Gabber, as it is substantially the same as claim 13 above, with the distinction of disclosing a network browser as means for requesting and sending user data, which is disclosed by Fig. 6 item 300 and column 18.

3.8. Claim 21 is disclosed by Gabber, as it is substantially the same as claim 15 above, with the distinction of disclosing a network server as means for receiving and using user data, which is disclosed by Fig. 6 item 110g.

3.9. Claim 22 is disclosed by Gabber, as it is substantially the same as claim 19 above, with the distinction of disclosing a cookie as means for requesting and sending user data. Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

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3.10. Claim 24 is disclosed by Gabber, as it is substantially the same as claim 21 above, with the distinction of disclosing a cookie as means for receiving and using user data. Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber as applied to claim 16 above, and further in view of Palthenghe (U.S. Patent Application Publication No. 2001/0011250 A1, published 8/2/2001).

5.1 As per claim 20, Gabber is directed to the Apparatus of claim 16. Gabber specifies an apparatus for browsing a data communications network, but it does not include the specific use of a smart card configured to receive a request for user data, and returning the data if it is found. Palthenghe teaches the benefits of using smart cards to store key elements of user data or certificates that helps identify an authorized user of the application (paragraph [0076])

Gabber and Paltenghe are analogous art because they both specify a method providing user data ubiquitously and nomadically while protecting user privacy in data networks.

At the time of invention, it would have been obvious to a skilled person in the art to incorporate smart cards as disclosed by Paltenghe in the network browsing apparatus of Gabber, as a secure means to store and retrieve user data.

The motivation to do so would have been to take advantage of smart cards as a portable device, which can securely store and upload users' sensitive and private data to the application used by the user at users' discretion.

5.2. Claim 23 is disclosed by Gabber and Paltenghe, as it is substantially the same as claim 20 above, with the distinction of disclosing a cookie as means for receiving and using user data. Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

5.3 As per claim 25, Gabber is directed to an apparatus for enhanced privacy protection in identification in a data communications network (column 7 line 1 to 28). Gabber specifically mentions the use of a pseudo random generator (column 11 line 20 to 25) to create a network ID for the user to substitute users real ID in network transactions. Gabber does not specifically mention the use of smart cards to store randomized ID, but Paltenghe discloses the use of smart cards in conjunction with the

apparatus disclosed by Gabber (see response to claim 20 above). Therefore, the feature is disclosed by Gabber, and further in view of Paltenghe.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is (571) 272-3937. The examiner can be normally reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11/1/2005

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